



LAW & ORDER RECORD RETRIEVAL
PO Box 461745, San Antonio, TX 78246
1-800-736-9105

DELIVER TO: PHILIP LEAL
RECORDS RE: JESSE AGUIRRE
FROM: BEXAR COUNTY MEDICAL EXAMINER'S OFFICE
RECORDS TYPE: AUTOPSY RECORDS
RECORDS THRU: 10/20/2015

ESTATE OF JESSE AGUIRRE, DECEASED, BLANCA
AGUIRRE, INDIVIDUALLY AND AS NEXT FRIEND OF
JESSE AGUIRRE, JR.

VS

CITY OF SAN ANTONIO, OFFICER CRISTINA GONZALES,
OFFICER ROBERTO MENDEZ, OFFICER JENNIFER
MORGAN, ET AL

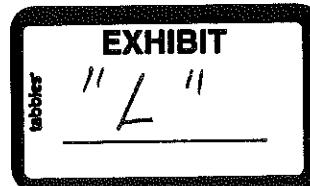
ORDERING ATTORNEY N. MARK RALLS
HOBЛИT DARLING RALLS HERNANDEZ & HUDLOW
300 CONVENT SUITE 1450
SAN ANTONIO, TX 78205

OPPOSING COUNSEL ORDERED COPIES

YES
 NO

AUTHORIZATION USED

YES
 NO





THE UNITED STATES
SAN ANTONIO DIVISION
WESTERN DISTRICT OF TEXAS

ESTATE OF JESSE AGUIRRE, DECEASED,
BLANCA AGUIRRE, INDIVIDUALLY AND
AS NEXT FRIEND OF JESSE AGUIRRE,
JR.

VS

CITY OF SAN ANTONIO, OFFICER
CRISTINA GONZALES, OFFICER
ROBERTO MENDEZ, OFFICER JENNIFER
MORGAN, ET AL

CIVIL ACTION NO. SA-15-CV-0371-DAE

RE: Deposition by Written Questions to Custodian of AUTOPSY Records re:

JESSE AGUIRRE, from BEXAR COUNTY MEDICAL EXAMINER'S OFFICE

The witness was duly sworn and the transcript attached is a true record of the testimony given by the witness. The deposition was signed by the witness and returned on 10-20-15. Changes, if any, in the transcript are attached or incorporated hereto. The original deposition transcript, together with copies of all exhibits, were provided to the attorney or party who asked the first question appearing in the transcript for safekeeping and use at trial in a manner specified by T.R.C.P. 203. The charges for preparing of the completed deposition transcript and any copies of the exhibits are to be paid by N. MARK RALLS, the attorney for the DEFENDANTS and total \$_____.

CC:

EDWARD L. PINA (210) 614-6403

MATTHEW NEAL GOSSEN

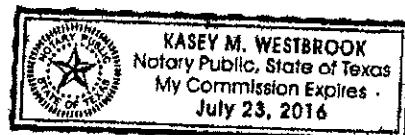
MICHAEL D. SIEMER (210) 207-4357

I certify that a true and correct copy of the foregoing instrument was mailed to the respective parties or attorneys of record, postage prepaid, or was hand delivered or by telephone transfer.

DATE: October 20, 2015

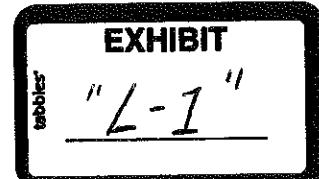
BY: Jessie Sue Cordero

SUBSCRIBED AND SWORN TO BEFORE ME on this, the October 20, 2015.



Kasey Westbrook

Notary Public in and for The State of Texas



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ESTATE OF JESSE AGUIRRE, DECEASED,
BLANCA AGUIRRE, INDIVIDUALLY AND AS
NEXT FRIEND OF JESSE AGUIRRE, JR.

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VS

CIVIL ACTION NO. SA-15-CV-0371-DAE

CITY OF SAN ANTONIO, OFFICER
CRISTINA GONZALES, OFFICER ROBERTO
MENDEZ, OFFICER JENNIFER MORGAN, ET
AL

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NOTICE OF INTENTION TO TAKE DEPOSITION
BY WRITTEN QUESTIONS

TO:

EDWARD L. PINA

MATTHEW NEAL GOSSEN

MICHAEL D. SIEMER

You will take notice that after 14 days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the CUSTODIAN OF AUTOPSY RECORDS for:

BEXAR COUNTY MEDICAL EXAMINER'S OFFICE
7337 LOUIS PASTEUR
SAN ANTONIO, TX 78229

at the offices of the Custodian, or at another agreed upon time and/or place before a Notary Public, an Officer of the State of Texas and employee of LORR, or their designated agent. Which deposition, with attached questions, may be used in evidence upon the trial of the above styled and numbered cause pending in the above named Court.

Notice is further given that request is here made as authorized under Rule 30 and 31, Federal Rules of Civil Procedure, to the Officer authorized to take this deposition to issue a SUBPOENA DUCES TECUM pursuant to FRCP 45 and cause to be served on the witness to produce for inspection and photocopying: ANY AND ALL RECORDS including but not limited to autopsy reports, toxicology reports, notes, correspondence, autopsy photographs, investigative materials and/or files, investigative photographs, witness statements, videos, and any other tangible item in the possession, custody, or control of said witness

Pertaining To: JESSE AGUIRRE, DOB: and turn all such records over to the Officer authorized to take this deposition for inspection and photocopying, the same may be made by him and attached to said deposition.

N. Mark Ralls *wp.*

N. MARK RALLS, SBID: 16489200
HOBLIT DARLING RALLS HERNANDEZ & HUDLOW
300 CONVENT SUITE 1450
SAN ANTONIO, TX 78205
Ph: (210) 224-9991 Fax: (210) 226-1544
mralls@hfdlaw.com
ATTORNEY FOR THE DEFENDANTS

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Notice of Intention to Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule 5(b) of the FRCP, by registered mail, postage prepaid or hand delivered.

Date: 09/28/2015

By:

N. Mark Ralls *wp.*

N. MARK RALLS

EXHIBIT

File #:
"L-2"

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
 for the
SAN ANTONIO DIVISION

ESTATE OF JESSE AGUIRRE, DECEASED, BLANCA
 AGUIRRE, INDIVIDUALLY AND AS NEXT FRIEND OF JESSE
 AGUIRRE, JR.

<p><i>Plaintiff</i> v. CITY OF SAN ANTONIO, OFFICER CRISTINA GONZALES, OFFICER ROBERTO MENDEZ, OFFICER JENNIFER MORGAN, ET AL</p>	<p>) Civil Action No. <u>SA-15-CV-0371-DAE</u>)) (If the action is pending in another district, state where:) <p><i>Defendant</i></p> </p>
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**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: BEXAR COUNTY MEDICAL EXAMINER'S OFFICE

Production: **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

ANY AND ALL RECORDS including but not limited to autopsy reports, toxicology reports, notes, correspondence, autopsy photographs, investigative materials and/or files, investigative photographs, witness statements, videos, and any other tangible item in the possession, custody, or control of said witness

pertaining to: JESSE AGUIRRE DOB: 6

Place:	Date and Time:
BEXAR COUNTY MEDICAL EXAMINER'S OFFICE 7337 LOUIS PASTEUR SAN ANTONIO, TX 78229	Thursday, October 15, 2015 at 11 AM

Inspection of Premises: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on

Place:	Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 09/28/2015

CLERK OF COURT
 Signature of Clerk or Deputy Clerk

OR

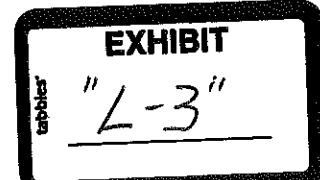
Attorney's Signature

N. Mark Ralls. w/p

The name, address, e-mail, and telephone number of the attorney representing DEFENDANTS (*name of party*), who issues or requests this subpoena is:

**N. MARK RALLS, HOBLIT DARLING RALLS HERNANDEZ & HUDLOW
 300 CONVENT SUITE 1450, SAN ANTONIO, TX 78205 Ph: (210) 224-9991**

Notice to the person who issues or requests this subpoena
 If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed.R.Civ.P. 45(a)(4).



AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (page 2)

Civil Action No. SA-15-CV-0371-DAE

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for (name of individual and title, if any) BEXAR COUNTY MEDICAL EXAMINER'S OFFICE
was received by me on (date) 9-28-15

I served the subpoena by delivering a copy to the named person as follows: :

Valerie Castellano

on (date) 9-28-15 ; or

I returned the subpoena unexecuted because:

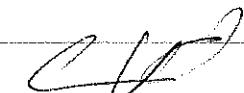
Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ 40

My fees are \$ 0 for travel and \$ 0 for services, for a total of \$ 0

I declare under penalty of perjury that this information is true.

Date: 9-28-15

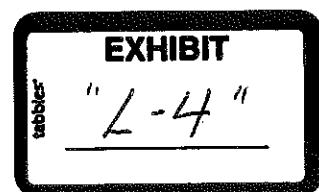


Server's Signature

Printed name and title

Server's Address

Additional information regarding attempted service, etc:



AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 3)
Federal Rule of Civil Procedure 45 (c), (d), (e) and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

- (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) *production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and*

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take responsible steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as direct in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

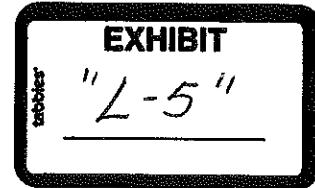
(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.* The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ESTATE OF JESSE AGUIRRE,
DECEASED, BLANCA AGUIRRE,
INDIVIDUALLY AND AS NEXT
FRIEND OF JESSE AGUIRRE, JR.

VS

CITY OF SAN ANTONIO, OFFICER
CRISTINA GONZALES, OFFICER
ROBERTO MENDEZ, OFFICER
JENNIFER MORGAN, ET AL

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CIVIL ACTION NO. SA-15-CV-0371-
DAE

QUESTIONS TO BE PROPOUNDED TO THE WITNESS,
THE CUSTODIAN OF RECORDS FOR: BEXAR COUNTY MEDICAL EXAMINER'S OFFICE

1. Please state your full name, occupation, and/or official title.

ANSWER Valerie Castellano, Office Assistant IV

2. Did you receive a Subpoena Duces Tecum for the production of: ANY AND ALL RECORDS including but not limited to autopsy reports, toxicology reports, notes, correspondence, autopsy photographs, investigative materials and/or files, investigative photographs, witness statements, videos, and any other tangible item in the possession, custody, or control of said witness pertaining to JESSE AGUIRRE?

ANSWER Yes

3. Are you able to identify these records as the original or true and correct photostatic copies of the originals?

ANSWER Yes

4. Does your file pertaining to this matter contain photographs? If yes, please hand these to the Officer taking your deposition. Have you done as requested? If not, why not?

ANSWER Yes

5. Does your file pertaining to this matter contain videotapes? If yes, please hand these to the Officer taking your deposition. Have you done as requested? If not, why not?

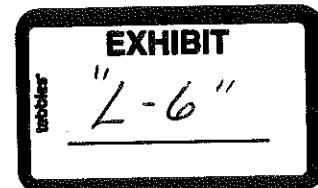
ANSWER No

6. Does your file pertaining to this matter contain audiotapes? If yes, please hand these to the Officer taking your deposition. Have you done as requested? If not, why not?

ANSWER No

7. Were these records made and kept in the regular course of your business? (Business means any kind of regularly organized activity, whether conducted for profit or not).

ANSWER Yes



8. In the regular course or your business, did the person who signed or otherwise prepared these records either have personal knowledge of the entries on these records or obtain the information to make such records from sources who have such personal knowledge?

ANSWER Yes

9. Are these records under your care, supervision, direction, custody or subject to your control?

ANSWER Yes

10. Are these records made at or near the time of the act, event or condition recorded on the records, or reasonably soon thereafter pertaining to the incident in question?

ANSWER Yes

11. Were these records kept as described above?

ANSWER Yes

12. Have you been requested, directed, or has it ever been suggested by any person (whether doctor, lawyer or anyone else) that any part of the records subject to this deposition be withheld or protected from discovery for any reason? If so, please explain why the records are being withheld and state the name and address of the person who conveyed this information to you and when such event occurred.

ANSWER No

13. Are there any other locations where BEXAR COUNTY MEDICAL EXAMINER'S OFFICE would keep records or documents pertaining to JESSE AGUIRRE? If yes, please identify the name and address of that location, if known.

ANSWER No

14. Please hand exact duplicates of all such records as outlined in the Subpoena Duces Tecum to the Officer taking your deposition for inspection and photocopying. (These will be at no expense to you, and the Officer will return the originals of your records to you after they have been both inspected and copied). Have you done as requested? If not, why not?

ANSWER Yes

15. Have any records of any kind been destroyed or are any records missing? If yes, why? Please describe those records that have been destroyed or are missing by BEXAR COUNTY MEDICAL EXAMINER'S OFFICE.

ANSWER: No

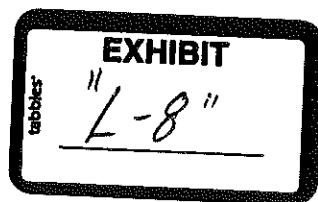
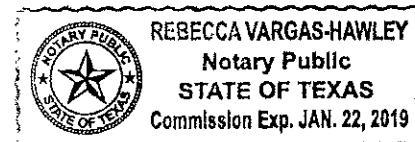
16. In the event that no records can be found, are there document archives (i.e. microfiche) or document retention policies which explain their absence? If yes, please explain your archiving and/or retention policy. Please identify who has knowledge of those archives and/or retention policies for BEXAR COUNTY MEDICAL EXAMINER'S OFFICE.

ANSWER: Records Kept forever

Valerie Castille
WITNESS CUSTODIAN OF RECORDS

I, Rebecca Vargas Hawley, A Notary Public in and for the State of Texas do hereby certify that the foregoing answers of the witness were made by the said witness and sworn to and subscribed before me. The records attached hereto are exact duplicates of the original records.
GIVEN UNDER MY HAND AND SEAL on this 15 day of October 2015.

Rebecca Vargas Hawley
Notary Public in and for the State of Texas



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ESTATE OF JESSE AGUIRRE, DECEASED,
BLANCA AGUIRRE, INDIVIDUALLY AND
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VS

CITY OF SAN ANTONIO, OFFICER
CRISTINA GONZALES, OFFICER
ROBERTO MENDEZ, OFFICER JENNIFER
MORGAN, ET AL

CIVIL ACTION NO. SA-15-CV-0371-DAE

AFFIDAVIT

RECORDS PERTAINING TO: JESSE AGUIRRE

Before me, the undersigned authority, personally appeared Valerie Castellano,
who being duly sworn, deposed as follows:

My name is Valerie Castellano. I am over 18 years of age, of sound mind, capable
of making this affidavit, and personally acquainted with the facts herein stated:

I am the CUSTODIAN OF AUTOPSY RECORDS OF BEXAR COUNTY MEDICAL EXAMINER'S
OFFICE. Attached hereto are 46 pages of records from BEXAR COUNTY MEDICAL EXAMINER'S
OFFICE. These said 46 pages of records are kept by BEXAR COUNTY MEDICAL EXAMINER'S
OFFICE in the regular course of business and it was the regular course of business of BEXAR COUNTY
MEDICAL EXAMINER'S OFFICE for an employee or representative of BEXAR COUNTY MEDICAL
EXAMINER'S OFFICE, or other individual, with knowledge of the act, event, condition, opinion, or
diagnosis, recorded to make the record or to transmit information thereof to be included in such record;
and the record was made at or near the time or reasonably soon thereafter. The records attached hereto
are the originals or exact duplicates of the originals.

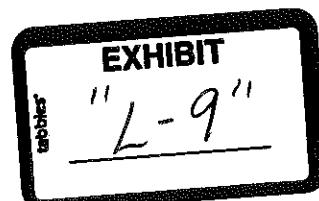
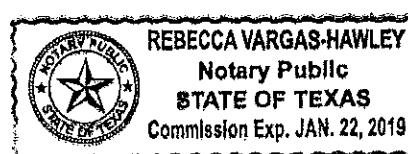
Valerie Castellano
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME on this the 15 day of 10, 2015

Rebecca Vargas Hawley
Notary Public in and for The State of Texas

Rebecca Vargas Hawley
Notary's Printed Name

Jan 22, 2019
My Commission Expires



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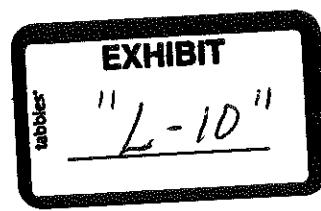
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COMPLETED



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RANDALL E. FROST, M.D.
Chief Medical Examiner

D. KIMBERLEY MOLINA, M.D.
Deputy Chief Medical Examiner

JENNIFER J. RULON, M.D.
Medical Examiner



ELIZABETH A. PEACOCK, M.D.
Medical Examiner

RAJESH P. KANNAN, M.D.
Medical Examiner

SAMANTHA R. EVANS, M.D.
Assistant Medical Examiner

BEXAR COUNTY MEDICAL EXAMINER'S OFFICE
7337 LOUIS PASTEUR
SAN ANTONIO, TEXAS 78229-4565
(210) 335-4000
FAX (210) 335-4002

AUTOPSY REPORT

Case No. 2013-0709

Name: Jesse Aguirre **Age:** 37 **Race:** L **Sex:** M

Date & Time of Autopsy: 13 Apr 2013 @ 9:00 a.m.

GENERAL EXAMINATION

The decedent is first examined at Bexar County Forensic Science Center on 4/13/13. When first examined, the decedent is clad in one bright white sock and boxer shorts. The decedent is laying atop a cut black belt, a cut striped polo shirt, and cut jeans. Present in the jeans pockets are \$2.81 in coins. Present in the left earlobe is a white metal stud earring with a clear stone.

EXTERNAL EXAMINATION

The body is that of an adult male, whose appearance is compatible with the recorded age of 37 years. As submitted, the body weighs 183 lbs and is 68 inches long. Preservation is good in the absence of embalming. There is fixed posterior lividity of normal color and full rigidity of the extremities and jaw. The body is cool to the touch having been refrigerated prior to examination.

The scalp hair is shaved. The eyes are closed and the irides are brown and the sclerae are clear with vascular congestion and without petechiae formation. There is a closely-trimmed, linear mustache extending into a closely-trimmed goatee beard present. The face contains injuries to be described presently. The teeth are natural and in good repair and hygiene.

The neck is symmetrical and stable. The chest and breasts are symmetrical and contain evidence of medical intervention to be described presently. The abdomen is of normal contour. The limbs are equal and symmetrically developed and the wrists regions contain injuries to be described presently. The external genitalia are those of an uncircumcised adult male with shaved pubic hair. The back and buttocks are unremarkable.

IDENTIFYING MARKS AND SURFACE FEATURES

There is a teardrop tattoo at the lateral canthus of the right eye. There is a tattoo of the words "Trinidad" and "Alicia" on the right neck. Below these names is a portrait of Jesus. There is a tattoo of the Playboy bunny logo below and slightly behind the left ear. There is extensive tattooing of both



0002

Aguirre, Jesse

Case No. 2013-0709

arms in a sleeve distribution. There is a tattoo in large letters over the upper abdomen of the words "Brown Pride". There is an incomplete tattoo of a sun design over the mid chest. There is a tattoo of female nude over the right upper chest. There is a tattoo of a Mayan face over the left upper chest. There is a tattoo of the Mexican flag over the left posterior flank. There is a large tattoo of the Virgen de Guadalupe in the mid back, above which is the word "Aguirre" in large gothic print. Above this, extending from the midline and to the right of midline, is the word "Priscilla". There is a tattoo of the word "Aguirre" which is faded, arranged vertically along the left lateral leg. There is a tattoo of a marijuana leaf and a word that is difficult to read but may say "Organic" over the top of the right knee. There is a tattoo of the word "Mom" above the left medial malleolus and above it the words "Mary Ann" and below it the words "Mi Madre". There is a bullous and hyperpigmented, 1 inch lesion over the left femoral head region with intact skin overlying it. There are bilateral tattoos on each earlobe depicting the number 13.

EVIDENCE OF MEDICAL ATTENTION

Protruding from the mouth is an endotracheal tube, held in place by a bite block, with a soft cloth strap around the nape of the neck. There is an intravascular access line in the left forearm. There is a loose tourniquet present around the left upper arm. There is a pulse oximeter present on the left index finger. There are EKG pads present on the trunk.

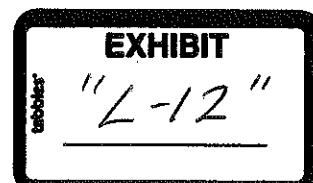
EVIDENCE OF INJURY

There is an area of superficial contusion abrasion over the left zygomatic arch with irregular direction of the small central abrasions, and this area measures 1 inch in overall dimension. There are two parallel, linear abrasion contusions of the right side of the face. The superior one consists of a series of vertical abrasions measuring $\frac{1}{4}$ inch in vertical dimension and 2 inches in horizontal dimension. Below this, there is an irregular area of contusion with irregular superficial abrasions measuring $2\frac{1}{2}$ inches in horizontal dimension and $\frac{1}{4}$ inch in vertical dimension. There is a deep abrasion over the mandibular ridge, right of midline, measuring 1 inch in overall dimension. There is a second oblique contusion abrasion over the left chin, above the mandibular ridge. There are a series of scattered abrasions in the midline between the lower lip and tip of the chin over an area measuring $\frac{1}{4}$ inch in overall dimension.

There is a series of superficial abrasions over the mid sternal region measuring 5 inches in maximum dimension, consistent with cardiac compression artifact. Internal to this, there are fractures of the left ribs 2 through 4 adjacent to the sternum with minimal hemorrhage, which is visible from the internal aspect only. There are superficial abrasions over the base of the outer right index finger, linear scratch marks over the mid thumb and base of the thumb, which are superficial. There is an area of contusion of the radial aspect of the right wrist with two parallel central lines.

There is a series of three vertical abrasions over the right mid back, under which there is no contusion or hemorrhage. There is an irregular incised wound of the right hand of the web between the middle and ring fingers over an area measuring $\frac{1}{4}$ inch in maximum dimension.

Having once been described, the above listed injuries will not be repeated.



Aguirre, Jesse

Case No. 2013-0709

INTERNAL EXAMINATION

HEAD AND CENTRAL NERVOUS SYSTEM: Reflecting the scalp reveals no area of impact, but there is a very slight amount of hemorrhage into the posterior insertions of the temporal muscles, which is bilateral and symmetrical. The calvarium and the base of the skull are all intact. The dura and brain surface are unremarkable. There is no evidence of edema or swelling. The brain weighs 1,400 g. Sectioning of the cerebral hemispheres, cerebellum, and brainstem demonstrate normal deep brain structures.

NECK: The bony, cartilaginous, and soft tissues of the anterior neck structures are uninjured and unremarkable. There is no injury to the tongue. Posterior dissection of the neck reveals no hemorrhage, fracture, or injury.

BODY: The body is opened through a standard Y-shaped incision. The organs are in their normal anatomic positions. There are no abnormal collections of fluid in any body cavity. There are cardiac compression rib fractures, as described above. The spine and pelvis are intact. The musculoskeletal components seen at autopsy are normal in appearance.

CARDIOVASCULAR SYSTEM: The heart weighs 380 g and is normal in configuration. The coronary arteries are normally distributed and free of atherosclerosis. The four major valves are normal in appearance with translucent, flexible cusps. The myocardium shows a mottled coloration. The aorta is intact with minimal atherosclerosis in the region of the bifurcation only.

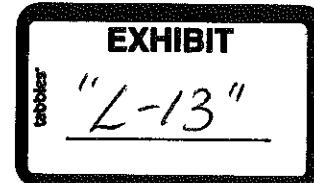
RESPIRATORY SYSTEM: The right and left lungs weigh 770 and 630 g, respectively. There is very slight amount of contusion in the anterior portion of the right middle lobe, consistent with cardiac compression artifact. Otherwise, the pleura, vessels, and airways are unremarkable. Sectioning of the pulmonary parenchyma shows marked vascular congestion and slight edema.

HEPATOBILIARY SYSTEM: The liver weighs 2,080 g and is normal externally and with sectioning. The gallbladder is intact and distended with liquid bile and no stones. There is no cholesterolosis of the gallbladder mucosa.

ALIMENTARY SYSTEM: The esophagus and stomach are intact. The stomach contains no ingested food, tablets, or pill residue. The serosa of the small bowel and colon are unremarkable. The appendix is present. The pancreas is normal externally and with sectioning and shows no evidence of saponification, fibrosis, or injury.

GENITOURINARY SYSTEM: The right and left kidneys weigh 150 and 160 g, respectively. Longitudinal sectioning reveals normal cortex, medulla, and collecting systems. The urinary bladder is intact and distended with 400 ml of clear colorless urine. The urothelial lining and bladder wall are unremarkable. The prostate gland and seminal vesicles are normal for the decedent's age.

LYMPHORETICULAR SYSTEM: The spleen weighs 310 g and is covered by an intact capsule. Sectioning reveals boggy purple-gray parenchyma without focal lesions. Lymph nodes throughout the abdomen, thorax, and neck are not prominent.



Aguirre, Jesse

Case No. 2013-0709

ENDOCRINE SYSTEM: The thyroid gland and adrenal glands are unremarkable.

MICROSCOPICS

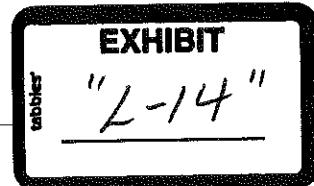
Liver – occasional increase in portal triaditis, affecting few of the portal triad regions. Hepatocytes and architecture are normal.

Kidney – normal glomeruli, tubules, vessels and interstitium.

Heart – notable for marked thickening of small intramyocardial arterial walls, some also containing marked intimal hyperplasia. Perivascular and interstitial fibrosis is noted, but is not prominent. Scattered myofiber disarray and nuclear enlargement. Focal shrunken and eosinophilic fibers. No inflammatory infiltrate or frank necrosis.

Lung – sections show marked vascular congestion and ectasia, with focal extravasation of blood into alveoli. Sloughing of respiratory epithelium into larger airways, no increased thickness of basement membranes or goblet cell hyperplasia. Rare polarizable crystals within pulmonary parenchyma.

Cerebellum, brainstem, and cerebral cortex (hippocampus) – vascular congestion, no pathologic change.



Aguirre, Jesse

Case No. 2013-0709

FINDINGS

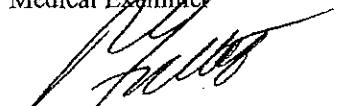
- I. Cocaine and ethanol intoxication
 - A. Benzoylecgonine = greater than 1.0 mg/L in antemortem blood
 - B. Cocaine = 0.95 mg/L in postmortem femoral blood
 - C. Cocaethylene and ecgonine methyl ester present in urine
 - D. Ethanol = 0.108 g/dL (antemortem), 0.090g/dL (postmortem femoral)
- II. Investigation indicates the decedent was in police custody for a short time before becoming unconscious, exhibiting signs of excited delirium
 - A. Minor blunt force injuries to face, wrists and hands

CONCLUSION

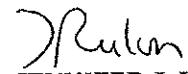
Based on anatomic findings at autopsy and investigation available at this time, it is our conclusion that Jesse Aguirre, a 37 year old adult male, died as a result of excited delirium associated with cocaine and ethanol intoxication. Due to the restraint by police, this case is classified as homicide.

MANNER OF DEATH: Homicide.


ELIZABETH A. PEACOCK, M.D.
Medical Examiner


RANDALL E. FROST, M.D.
Chief Medical Examiner


D. KIMBERLEY MOLINA, M.D.
Deputy Chief Medical Examiner


JENNIFER J. RULON, M.D.
Medical Examiner

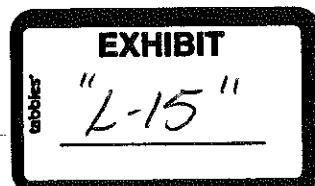

RAJESH P. KANNAN, M.D.
Medical Examiner


SAMANTHA R. EVANS, M.D.
Assistant Medical Examiner

EAP:ol

Original: file

xc: District Attorney's Office





BEXAR COUNTY MEDICAL EXAMINER'S OFFICE

7337 LOUIS PASTEUR
SAN ANTONIO, TEXAS 78229-4565
(210) 335-4000
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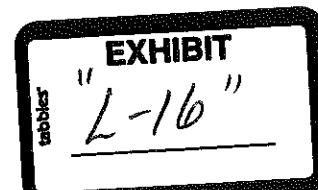
"Accredited by the National Association of Medical Examiners"

TOXICOLOGY REPORT

ME Case #: 13-00709 Age: 37 Years
 Decedent: Aguirre, Jesse Type: Autopsy
 Exam Date: 4/13/2013 Completed Date: 6/13/2013
 Staff Pathologist: Elizabeth A. Peacock, M.D.

No toxicology testing requested *EP*

Assay	Sample	Analyte	Amount	Instrument
Acid/Neutral	Blood-Femoral	Acid/Neutral	None Detected	GC/MSD
Alcohols	Blood-Femoral	Ethanol	0.090 g/dL	GC/FID
Alcohols	Vitreous	Ethanol	0.070 g/dL	GC/FID
Alcohols	Blood-AM, 4/12/13@2005	Ethanol	0.108 g/dL	GC/FID
Alkaline	Blood-Thoracic Aorta	Ecgoneine Methyl Ester	Detected, No Quantitation	GC/FID; GC/MSD
Alkaline	Blood-Thoracic Aorta	Levamisole	Detected, No Quantitation	GC/FID; GC/MSD
Alkaline	Blood-Thoracic Aorta	Cocaine	Detected, Requires Quantitation	GC/FID; GC/MSD
Alkaline	Blood-Thoracic Aorta	Cocaethylene	Detected, Requires Quantitation	GC/FID; GC/MSD
Alkaline Quantitation/ Confirmation	Blood-Thoracic Aorta	Ecgoneine Methyl Ester	Confirmed	GC/MSD
Alkaline Quantitation/ Confirmation	Blood-Thoracic Aorta	Levamisole	Confirmed	GC/MSD
Alkaline Quantitation/ Confirmation	Blood-Thoracic Aorta	Cocaethylene	Confirmed	GC/MSD
Alkaline Quantitation/ Confirmation	Blood-Thoracic Aorta	Cocaine	Confirmed	GC/MSD
Clinical	Vitreous	SMA-6	Sent to UH 4/16/13	Clinical





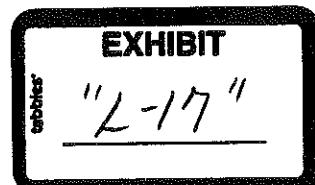
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Assay	Sample	Analyte	Amount	Instrument
Cocaine/Opiates	Blood-Femoral	Cocaine	Detected, Requires Quantitation	GC/MSD
Cocaine/Opiates	Blood-Femoral	Cocaethylene	Detected, Requires Quantitation	GC/MSD
Cocaine/Opiates	Blood-Femoral	Benzoylecgonine	Detected, Greater than 0.50 mg/L	GC/MSD
Cocaine/Opiates	Blood-Femoral	Opiates	None Detected	GC/MSD
Cocaine/Opiates	Urine	Cocaine	Detected, No Quantitation	GC/MSD
Cocaine/Opiates	Urine	Benzoylecgonine	Detected, No Quantitation	GC/MSD
Cocaine/Opiates	Urine	Morphine	Detected, No Quantitation	GC/MSD
Cocaine/Opiates	Blood-Femoral	Cocaine	0.95 mg/L	GC/MSD
Cocaine/Opiates	Blood-Femoral	Cocaethylene	0.29 mg/L	GC/MSD
Cocaine/Opiates	Blood-Femoral	Benzoylecgonine	Confirmed	GC/MSD
Cocaine/Opiates	Blood-Femoral	Opiates	None Detected	GC/MSD
Cocaine/Opiates	Blood-AM, 4/12/13@2005	Benzoylecgonine	Detected, Greater than 1.0 mg/L	GC/MSD
Cocaine/Opiates	Urine	Cocaine	Confirmed	GC/MSD
Cocaine/Opiates	Urine	Benzoylecgonine	Confirmed	GC/MSD
Cocaine/Opiates	Urine	Cocaethylene	Confirmed	GC/MSD
Cocaine/Opiates	Urine	Morphine	Confirmed	GC/MSD
Cocaine/Opiates	Urine	Cocaethylene	Detected, No Quantitation	GC/MSD
Cocaine/Opiates	Urine	Ergonine Methyl Ester	Detected, No Quantitation	GC/MSD
Cocaine/Opiates	Urine	Ergonine Ethyl Ester	Detected, No Quantitation	GC/MSD
Cocaine/Opiates	Blood-AM, 4/12/13@2005	Opiates	None Detected	GC/MSD
ELISA	Blood-Femoral	Cocaine Metabolite	Positive	Spectrophotometer
ELISA	Blood-Femoral	Opiates (class)	Positive, Unconfirmed	Spectrophotometer





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Assay	Sample	Analyte	Amount	Instrument
ELISA	Blood-Femoral	Benzodiazepines (class)	None Detected	Spectrophotometer
ELISA	Blood-Femoral	Fentanyl	None Detected	Spectrophotometer
ELISA	Blood-Femoral	Oxycodone/Oxymorphone	None Detected	Spectrophotometer
Enzymatic	Blood-Femoral	Ethanol	Confirmed	Spectrophotometer
Enzymatic	Blood-AM, 4/12/13@2005	Ethanol	Confirmed	Spectrophotometer
Volatiles/Inhalants	Blood-Thoracic Aorta	Ethanol	Confirmed	GC/MSD

A handwritten signature in black ink, appearing to read "Jesse Aguirre".

